

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JOANNE FESSETT, as parent and natural  
guardian of Jessica Fessett,

Plaintiff,

-vs-

6:03-CV-1004

JO ANNE B. BARNHARDT, as Commission  
of Social Security,

Defendant.

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**Thomas J. McAvoy,  
United States District Judge**

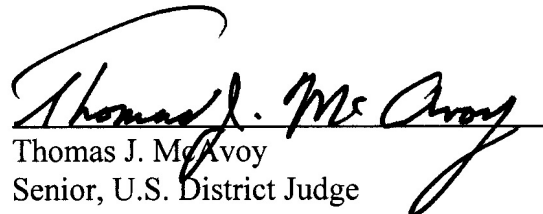
**DECISION and ORDER**

This matter was referred to the Hon. Randolph Treece, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. No objections to the January 24, 2008 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

The Defendant's decision denying benefits is hereby AFFIRMED.

**IT IS SO ORDERED.**

Dated: March 25, 2008

  
Thomas J. McAvoy  
Senior, U.S. District Judge